

(JCx),DISCOVERY,MANADR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:18-cv-00683-ODW-JC**

John W. Sigler v. U.S. Department of Health and Human Services
Assigned to: Judge Otis D. Wright, II
Referred to: Magistrate Judge Jacqueline Chooljian
Cause: 05:552 Freedom of Information Act

Date Filed: 01/26/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**John W. Sigler**

represented by **John W. Sigler**
13129 Stern Avenue
La Mirada, CA 90638
714-697-8576
PRO SE

V.

Defendant**U.S. Department of Health and Human Services**

represented by **Matthew Jimenez Barragan**
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| Date Filed | # | Docket Text |
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| 01/26/2018 | <u>1</u> | COMPLAINT against Defendant U.S. Department of Health and Human Services. Case assigned to Judge Christina A. Snyder for all further proceedings. Discovery referred to Magistrate Judge Jacqueline Chooljian. (Filing fee \$ 400:PAID), filed by plaintiff John W. Sigler. (Attachments: # <u>1</u> CV-71) (ghap) (Entered: 01/29/2018) |
| 01/26/2018 | <u>2</u> | 30 DAY Summons Issued re Complaint – (Discovery), <u>1</u> as to Defendant U.S. Department of Health and Human Services. (ghap) (Entered: 01/29/2018) |
| 01/26/2018 | <u>3</u> | CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff John W. Sigler. (ghap) (Entered: 01/29/2018) |
| 01/26/2018 | <u>4</u> | NOTICE OF ASSIGNMENT to District Judge Christina A. Snyder and Magistrate Judge Jacqueline Chooljian. (ghap) (Entered: 01/29/2018) |
| 01/26/2018 | <u>5</u> | NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (ghap) (Entered: 01/29/2018) |

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| 01/31/2018 | <u>6</u> | ORDER RETURNING CASE FOR REASSIGNMENT by Judge Christina A. Snyder. ORDER case returned to the Clerk for random reassignment pursuant to General Order 16-05. Case randomly reassigned from Judge Christina A. Snyder to Judge Otis D. Wright, II for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:18-cv-00683 ODW(JCx). (rn) (Entered: 01/31/2018) |
| 02/02/2018 | <u>7</u> | MINUTE ORDER IN CHAMBERS by Judge Otis D Wright, II: This action has been assigned to the calendar of Judge Otis D. Wright II. Counsel are STRONGLY encouraged to review the Central Districts website for additional information. (SEE DOCUMENT FOR SPECIFIC FILING REQUIREMENTS AND INFORMATION; PLEASE refer to Local Rule 79-5 for the submission of CIVIL ONLY SEALED DOCUMENTS. CRIMINAL SEALED DOCUMENTS will remain the same. all proposed sealed documents must be submitted via e-mail to the Judges Chambers email address, EXCLUDING those submitted by pro se parties and IN CAMERA filings, which shall continue to comply with Local Rule 79-5.1. Please refer to the Judges procedures and schedules for detailed instructions for submission of sealed documents. (lc) (Entered: 02/02/2018) |
| 02/08/2018 | <u>8</u> | PROOF OF SERVICE Executed upon Defendant U.S. Department of Health and Human Services served on 1/29/2018, answer due 2/28/2018. Service of the Summons and Complaint were served by certified mail to Civil Process Clerk, United States Attorney's Office, 380 North Los Angeles St., Suite 7516, Los Angeles, CA 90012. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons returned. (mt) (Entered: 02/09/2018) |
| 02/08/2018 | <u>9</u> | PROOF OF SERVICE Executed upon Defendant U.S. Department of Health and Human Services served on 2/1/2018, answer due 3/5/2018. Service of the Summons and Complaint were served by certified mail to Attorney General of the United States at US Department of Justice, 950 Pennsylvania Ave, NW, Washington, DC. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons returned. (mt) (Entered: 02/09/2018) |
| 02/08/2018 | <u>10</u> | PROOF OF SERVICE Executed upon Defendant U.S. Department of Health and Human Services served on 1/31/2018, answer due 3/2/2018. Service of the Summons and Complaint were served by certified mail to US Department of Health and Human Services, 200 Independence Ave., S.W., Washington, D.C. 20201. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons returned. (mt) (Entered: 02/09/2018) |
| 02/28/2018 | <u>11</u> | ANSWER to Complaint – (Discovery), <u>1</u> filed by Defendant U.S. Department of Health and Human Services. (Attachments: # <u>1</u> Proof of Service)(Attorney Matthew Jimenez Barragan added to party U.S. Department of Health and Human Services(pty:dft))(Barragan, Matthew) (Entered: 02/28/2018) |
| 03/01/2018 | <u>12</u> | ORDER that the Scheduling Conference is set for 5/14/18 1:30 PM ; compliance with FRCP 16, and 26(f) and filing of joint report; Counsel for plaintiff shall immediately serve this Order on all parties, including any new parties to the action by Judge Otis D Wright, II (lc) (Entered: 03/01/2018) |
| 04/10/2018 | <u>13</u> | NOTICE TO PARTIES by U.S. Magistrate Judge Jacqueline Chooljian. Effective, April 11, 2018, Judge Chooljian will be located at the Edward R. Roybal Federal Building and U.S. Courthouse ("Roybal Building"), located at 255 East Temple Street, Los Angeles, California 90012. All Court appearances shall be made in Courtroom 750 on the 7th floor of the Roybal Building. All mandatory chambers copies shall be hand delivered to the judge's mail box located outside of the Clerk's Office on the 12th floor of the Roybal Building. Paper civil and criminal documents exempted from electronic filing shall be filed in Room 180 on the Terrace Level of the Roybal Building. Magistrate Judge Chooljian's Courtroom Deputy Clerk, Kerri Hays, may be reached at (213) 894-2921. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (rrey) TEXT ONLY ENTRY (Entered: 04/10/2018) |
| 04/19/2018 | <u>14</u> | EX PARTE APPLICATION for Order for PROTECTIVE ORDER TO PRECLUDE PLAINTIFF FROM CONDUCTING ANY DISCOVERY WITHOUT LEAVE OF THE COURT; MEMORANDUM OF POINTS AND AUTHORITIES; AND |

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| | | DECLARATION OF MATTHEW J. BARRAGAN IN SUPPORT THEREOF filed by Defendant U.S. Department of Health and Human Services. (Attachments: # <u>1</u> Declaration OF MATTHEW J. BARRAGAN IN SUPPORT OF EX PARTE APPLICATION FOR A PROTECTIVE ORDER TO PRECLUDE PLAINTIFF FROM CONDUCTING ANY DISCOVERY WITHOUT LEAVE OF THE COURT, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Proposed Order) (Barragan, Matthew) (Entered: 04/19/2018) |
| 04/24/2018 | <u>15</u> | MINUTES (IN CHAMBERS) ORDER (1) RE REFERRAL OF EX PARTE APPLICATION TO MAGISTRATE JUDGE; AND (2) GRANTING IN PART EX PARTE APPLICATION (DOCKET NO. 14) by Magistrate Judge Jacqueline Chooljian. Based upon the Court's review and assessment of the Ex Parte Application, the Court grants the Ex Parte Application in part. Specifically, the Courts orders: Plaintiff is precluded from conducting discovery without leave of the Court until the later of the Scheduling Conference (which is currently set for May 14, 2018 at 1:30 p.m.) or further Order of the Court. The parties are directed to address the issue in the jointly signed Fed. R. Civ. P. 26(f) report which is to be submitted to the District Judge no less than seven days before the Scheduling Conference. See Docket No. 12 at 2. (See document for further details.) <u>14</u> (sbou) (Entered: 04/25/2018) |
| 04/25/2018 | <u>16</u> | OPPOSITION TO EX PARTE APPLICATION for Order for PROTECTIVE ORDER TO PRECLUDE PLAINTIFF FROM CONDUCTING ANY DISCOVERY WITHOUT LEAVE OF THE COURT <u>14</u> filed by Plaintiff John W. Sigler. (lom) (Entered: 04/25/2018) |
| 05/04/2018 | <u>17</u> | JOINT REPORT Rule 26(f) Discovery Plan filed by Defendant U.S. Department of Health and Human Services.. (Attachments: # <u>1</u> POS)(Medrano, Alarice) (Entered: 05/04/2018) |
| 05/07/2018 | <u>18</u> | SCHEDULING AND CASE MANAGEMENT ORDER (JURY TRIAL). This Order is to advise the parties and counsel of the schedule that will govern this case. THE SCHEDULING CONFERENCE IS VACATED. SEE THE SUPPLEMENTAL ORDER SETTING BRIEFING SCHEUDLE FOR THE SPECIFIED DATES by Judge Otis D. Wright, II. (lc) (Entered: 05/07/2018) |
| 05/07/2018 | <u>19</u> | SUPPLEMENTAL ORDER SETTING BRIEFING SCHEDULE by Judge Otis D. Wright, II: The Court VACATES the Scheduling Conference set for May 14, 2018, and issues the briefing scheduling set forth below. Where the Scheduling and Case Management Order and this Order conflict, this Order shall govern.the Court ORDERS that Sigler shall not be permitted to conduct any discovery absent a further order from this Court, and after a showing that HHSs affidavits are insufficient to meet its burden on summary judgment. The Court further ORDERS that briefing shall be completed as follows: Defendant will file and serve a Motion for Summary Judgment and Vaughn Index/Declaration: November 14, 2018; Plaintiff will file any Cross-Motion for Summary Judgment and Opposition to Defendants Motion, including, if appropriate, a renewed request for discovery: December 14, 2018; Defendant will file a Reply/Opposition: January 14, 2019; Plaintiff will file any Reply :January 28, 2019; Hearing on Cross-Motions: February 25, 2019, at 1:30 p.m. (lc) (Entered: 05/07/2018) |
| 11/14/2018 | <u>20</u> | NOTICE OF MOTION AND MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities</i> ; filed by Defendant U.S. Department of Health and Human Services. Motion set for hearing on 2/25/2019 at 01:30 PM before Judge Otis D. Wright II. (Attachments: # <u>1</u> [Proposed] Separate Statement of Uncontroverted Facts and Conclusions of Law, # <u>2</u> Declaration of Matthew J. Barragan in Support of Motion for Summary Judgment, # <u>3</u> Declaration of Michael S. Marquis, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Exhibit 8, # <u>12</u> Exhibit 9, # <u>13</u> Exhibit 10 – Part 1, # <u>14</u> Exhibit 10 – Part 2, # <u>15</u> Exhibit 10 – Part 3, # <u>16</u> Exhibit 10 – Part 4, # <u>17</u> Exhibit 10 – Part 5, # <u>18</u> Exhibit 10 – Part 6, # <u>19</u> Exhibit 10 – Part 7, # <u>20</u> [Proposed] Judgment for Defendant, # <u>21</u> Proof of Service) (Barragan, Matthew) (Entered: 11/14/2018) |
| 12/07/2018 | <u>21</u> | NOTICE OF ERRATA filed by Defendant U.S. Department of Health and Human Services. correcting NOTICE OF MOTION AND MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities</i> ; <u>20</u> (Attachments: # <u>1</u> Exhibit A – AMENDED DEFENDANT'S NOTICE OF MOTION AND MOTION FOR |

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| | | SUMMARY JUDGMENT, # <u>2</u> Exhibit B – AMENDED DECLARATION OF MATTHEW J. BARRAGAN IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, # <u>3</u> Proof of Service)(Barragan, Matthew) (Entered: 12/07/2018) |
| 12/14/2018 | <u>22</u> | STATEMENT OF GENUINE ISSUES OF MATERIAL FACT IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT <u>20</u> filed by Plaintiff John W. Sigler. (lc) (Entered: 12/14/2018) |
| 12/14/2018 | <u>23</u> | OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES; PLAINTIFF'S STATEMENT OF GENUINE ISSUES OF MATERIAL FACT; DECLARATION OF JOHN W. SIGLER – FED. R. CIV. P. 56 (D) ;DECLARATION OF JOHN W. SIGLER REBUTTAL OF DEFENDANT'S RULE 7–3 DECLARATION; DECLARATION OF JOHN W. SIGLER – FORMAL ACKNOWLEDGEMENT LETTER; DECLARATION OF JOHN W. SIGLER – FOIA EXEMPTION DETERMINATIONS; DECLARATION OF JOHN W. SIGLER – CIVIL RIGHTS VIOLATIONS; DECLARATION OF JOHN W. SIGLER – FRAUD AND FALSE STATEMENTS IN OCR ADMINISTRATIVE ACTION <u>20</u> filed by Plaintiff John W. Sigler. (lc) (Entered: 12/14/2018) |
| 12/14/2018 | <u>24</u> | PLAINTIFFS DECLARATIONS AND EXHIBITS IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT <u>20</u> filed by Plaintiff John W. Sigler. (Attachments: # <u>1</u> part 2, # <u>2</u> part 3, # <u>3</u> part 4)(lc) (Entered: 12/14/2018) |
| 12/27/2018 | <u>25</u> | EX PARTE APPLICATION to Stay Case pending The Lapse of Appropriations filed by Defendant U.S. Department of Health and Human Services. (Attachments: # <u>1</u> Proposed Order) (Attorney Alarice M Medrano added to party U.S. Department of Health and Human Services(pty:dft)) (Medrano, Alarice) (Entered: 12/27/2018) |
| 12/27/2018 | <u>26</u> | PROOF OF SERVICE filed by Defendant U.S. Department of Health and Human Services, re EX PARTE APPLICATION to Stay Case pending The Lapse of Appropriations <u>25</u> served on December 27, 2018. (Attachments: # <u>1</u> Attachment, # <u>2</u> Proof of Service)(Medrano, Alarice) (Entered: 12/27/2018) |